



Shoreline Master Program Guidelines

Executive Summary of Revisions Being Considered

12/17/99

Vegetation Buffers and Setbacks

What we heard:

- Vegetative buffer standards could severely restrict already hard-hit existing agricultural activities.
- The “site potential tree height” (SPTH) vegetation provisions won’t work statewide.
- Lower environmental standards are allowed for urban areas even though those shorelines are environmentally at risk and provide critical functions.

Revisions being considered:

- Clarify that the guidelines do not affect existing and ongoing agricultural activities.
- Eliminate the specific vegetation management corridor approach based on SPTH and clarify vegetation conservation objectives.
- Allow alternative approaches for protecting shoreline ecological processes and functions within Shoreline Management Act (SMA) jurisdiction.

Bulkheads

What we heard:

- The rule does not reflect 1992 amendments to the SMA which call for "effective and timely protection against loss or damage to single family residences due to shoreline erosion."
- Replacing existing bulkheads should not require hiring consultants to demonstrate need.

Revisions being considered:

- Specifically reference the 1992 changes in the act and recognize there are legitimate stabilization needs for certain water-dependent and shoreline preferred uses.
- Clarify that repair and maintenance of existing bulkheads is allowed.
- Clarify that replacement of an existing bulkhead can be allowed where the need to protect uses or structures from erosion is demonstrated and the bulkhead is designed and constructed to minimize harm to natural shoreline functions. Do not require a geotechnical report for residential bulkhead replacement.

Piers and Docks

What we heard:

- Waterfront residents object to the prohibition of new piers and docks unless they prove that a specific need exists and that a nearby pier, dock, or mooring buoy is unavailable.

Revisions being considered:

- Remove the requirement that docks and piers accessory to single-family residences demonstrate specific need and the requirement to show that a nearby dock, pier, or buoy is unavailable.
- Encourage joint-use or community dock facilities over individual docks.
- Clarify that all allowed docks and piers must be designed and constructed to avoid, minimize, and mitigate for impact to ecological functions and critical area resources.

Inventory Requirements

What we heard:

- Shoreline inventory requirements are beyond the current capabilities of most local governments.
- Provisions lack clear minimum requirements.
- There are objections to the provision that in the absence of inventory information, "the less known about existing resources, the more stringent provisions need to be to ensure protection."
- A reliable monitoring system with baseline inventory protocols is needed.

Revisions being considered:

- Modify the inventory requirements to better fit local government capabilities, and clarify what the minimum requirements are.
- Allow site-specific inventory at the time of project application as an acceptable alternative to stricter, uniformly applied standards.

Procedural and Administrative Aspects

What we heard:

- Two years is not enough time for local governments to do quality, comprehensive updates of shoreline master programs (SMPs), and state funding is needed.
- The legislature should have the opportunity to review the guidelines before they are adopted.
- Ecology should adopt interim measures, such as "no-touch buffers," to assure habitat protection until local SMPs are updated.

Revisions being considered:

- We agree and fully support extension of the compliance timelines. This must be done by the legislature, as the two year deadline is in the statute. With a two year deadline, Ecology's capability to provide needed technical guidance and support to local governments will be severely limited.
- The legislature will be provided an informal "working draft" of the guidelines for review in December. Ecology's current plan is to begin a new round of formal public review after the 2000 legislative session.

Statutory Authority for Rule-Writing

What we heard:

- The guidelines are being written to regulate areas outside of shoreline jurisdiction.
- The guidelines prioritize the Shoreline Management Act over the Growth Management Act, contrary to legislative direction.
- The guidelines improperly favor environmental protection over the other goals (economic development, public access) in the SMA

Revisions being considered:

- Clarify that the guidelines only apply within areas under a local government's geographic shoreline jurisdiction.
- Provide a variety of methods to satisfy integration needs within the "framework" of GMA, fully recognizing that both statutes remain in effect and must be complied with.
- Clarify that SMPs must balance economic development and public access as well as environmental protection requirements, see for example, the section on use of scientific and technical information.

“Best Available Science”

What we heard:

- Best Available Science (BAS) is only required under GMA, not SMA. These provisions could conflict with the GMA definition and require expensive new research.

Revisions being considered:

- Remove specific requirements to use BAS, except where required by the GMA for critical areas.
- Refer to the existing statutory requirements for using scientific information when updating SMPs.

Environmental Protection

What we heard:

- Update is long overdue and necessary to help salmon recovery.
- There is too much reliance on mitigation and not enough on protection of natural resources.

Revisions being considered:

- Add more specific protection standards in the wetlands section.
- Clarify that avoidance of impacts is the most preferred mitigation action.